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TO AMEMBASSY COPENHAGEN

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FOLLOWING SENT ACTION SECSTATE, INFO USUN, ACCRA, DUBLIN,
LIMA, MOSCOW, OTTAWA, QUITO, TOKYO, VIENNA, WARSAW, YAOUNDE,
JULY 27, FROM GENEVA RPTD TO YOU:

QUOTE UNCLAS GENEVA 3972

E.O. 11652: N/A

TAGS: PBOR, UN

SUBJ: LOS:SEABEDS COMMITTEE MEETING, SUBCOMMITTEE II
WORKING GROUP, JULY 26, 1973

1. SUMMARY: SUBCOMMITTEE II WORKING GROUP CONTINUED
DISCUSSION ON ECONOMIC ZONE AND FISHERIES. NUMBER
OF DELEGATIONS EXPRESSED CONCERN ABOUT PROCEDURAL
MEANS FOR COMING UP WITH CONCRETE DRAFT ARTICLE TEXTS.

END SUMMARY.

2. JAPANESE STATED VIEWS ON FISHERIES. WHILE JAPAN
DIFFERED SUBSTANTIALLY WITH SPANISH APPROACH, EMPHASIS
IN SPAIN'S STATEMENT YESTERDAY ON FISHING RIGHTS OF
THIRD STATES WAS INTERESTING. JAPAN STRONGLY SUPPORTED
VIEW THAT REGIME FOR LIVING RESOURCES IN WATER COLUMN
SHOULD BE SEPARATE FROM REGIME FOR RESOURCES OF SEABED.
COMMENTS IN U.S. STATEMENT WHICH EMPHASIZED MAXIMUM
UTILIZATION AND NECESSITY TO PROTECT INVESTMENTS BY
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OTHER STATES OVER LONG PERIOD OF TIME WAS IMPORTANT.
REP. FELT THAT RIGHTS OF COASTAL STATES RE FISHERIES
WERE EMPHASIZED TOO MUCH IN SUBCOMMITTEE DISCUSSION.
HE REVIEWED JAPANESE POSITION ON FISHERIES WHICH PROVIDED

FOR PREFERENTIAL RIGHTS FOR DEVELOPING COASTAL STATES IN AREA ADJACENT TO TERRITORIAL SEA. RIGHTS OF DISTANT WATER STATES AND COASTAL STATES MUST BE EQUITABLY AND FAIRLY ACCOMMODATED. SIX POWER FISHERY PROPOSAL (A/AC/138/L.38) WAS DEFICIENT IN THE THIRD PARTIES WITH FISHING RIGHTS IN ECONOMIC ZONE WERE LIMITED TO NEIGHBORING DEVELOPING STATES. LAND LOCKED/SHELF LOCKED PROPOSAL FOR REVENUE SHARING OF LIVING RESOURCES RAISED EVEN MORE COMPLEX QUESTIONS THAN WOULD SHARING OF NON-LIVING RESOURCES. CONVERSATION AND PRESERVATION OF ANADROMOUS FISH SHOULD BE LEFT TO COMMISSIONS ALREADY DEALING WITH PROBLEMS.

3. PERUVIAN REP. CRITICIZED JAPANESE STATEMENT FOR NOT SPELLING OUT LIMITS WITHIN WHICH COASTAL STATES WOULD HAVE PREFERENTIAL RIGHTS. HE ALSO SUGGESTED THAT WORK WOULD BE FACILITATED IF WORKING GROUP WOULD FOLLOW MORE ORDERLY METHOD OF WORK.

4. GHANIAN REP. POINTED OUT THAT GHANA WAS SECOND RANKING FISHING STATE IN WEST AFRICA AND THAT BOTH DISTANT AND COASTAL FISHING WERE IMPORTANT TO THEM. HE SUPPORTED MAY ASPECTS OF SIX-POWER PROPOSAL ON FISHERIES, IN PARTICULAR, ARTICLE FIVE WHICH TOOK INTO ACCOUNT NEEDS OF NEIGHBORING FISHERMEN. DISPUTE SETTLEMENT WAS IMPORTANT ISSUE AND EXISTING ARTICLE THIRTEEN WAS DEFICIENT IN THAT IT WAS UNCLEAR HOW IT WOULD BE DECIDED WHETHER DISPUTE HAD OCCURRED WITHIN OR OUTSIDE COASTAL STATE JURISDICTION.

5. UKRANIAN SOVIET SOCIALIST REPUBLIC SUPPORTED ESTABLISHMENT OF SMALL CONTACT GROUP TO MAKE PROGRESS IN SUBCOMMITTEE II. REP. SUPPORTED SOVIET FISHERY PROPOSAL (A/AC/138/S C II/L.7) IN WHICH DEVELOPING COASTAL STATE WOULD GET THAT PORTION OF PERMISSIBLE CATCH WHICH IT WAS CAPABLE OF HARVESTING AND REMAINING PORTIONS WOULD BE AVAILABLE TO DISTANT WATER FISHERMEN.
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6. CAMEROON'S REP. DISCUSSED SEVERAL DRAFT FISHERIES ARTICLES AND CONCLUDED THAT SIX-POWER PROPOSAL WAS NOT SATISFACTORY. REP. THEN REFERRED TO PROPOSAL SUBMITTED BY ZAMBIA AND UGANDA (A/AC/138/S C II/L.41). REP. QUESTIONED WHETHER UGANDA HAD RIGHT AS AN OBSERVER TO SUBMIT DOCUMENTS TO SUBCOMMITTEE BUT REP. DID NOT ASK FOR WITHDRAWAL OF UGANDA'S CO-SPONSORSHIP. DRAFT WAS DOCTRINALLY DEFICIENT IN THAT ACQUIRED RIGHTS BASED ON HIGH SEAS FREEDOM OF FISHING BELONGED TO INTERNATIONAL COMMUNITY AND NOT REGIONAL OR SUB-REGIONAL GROUPS. REP. ARGUED THAT DOCTRINE OF ACQUIRED RIGHTS DID NOT APPLY TO ANADROMOUS FISH.

7. PERUVIAN REP. CRITICIZED UKRANIAN SUPPORT FOR SOVIET DRAFT WHICH HE SAID WAS SUBTERFUGE FOR ALLOWING DISTANT WATER FLEETS TO EXPLOIT COASTAL STATE RESOURCES. REP. SUGGESTED THAT OTHER DELEGATES SHOULD NOT PRETEND TO BE DEFENDERS OF DEVELOPING COASTAL STATE COUNTRIES WHICH WERE CAPABLE OF DEFENDING THEMSELVES AND HAD REPRESENTATIVES IN SEABED COMMITTEE TO DO SO.

8. AUSTRIAN REP. RECALLED SINGAPORE PROPOSAL TO CONSOLIDATE IN SUBSTANCE SOME ASPECTS OF PROPOSALS IN COMPARATIVE TABLES. HE ALSO SUGGESTED ESTABLISHMENT OF SMALL CONTACT GROUPS FOR REDUCING DIFFERENCES.

9. IRELAND, SPEAKING AS AN OBSERVER, REFERRED TO JAPANESE COMMENT THAT EXISTING REGULATORY BODIES WERE ADEQUATE FOR ANADROMOUS FISHERIES. REP. WAS CONVINCED THAT ONLY WAY TO SUSTAIN MAXIMUM YIELD WAS BY MANAGEMENT AND HARVEST OF SUCH SPECIES BY STATE OR ORIGIN. HE SUGGESTED ARTICLE ON ANADROMOUS FISH WHICH WOULD READ "THE RIGHT TO EXPLOITATION OF FISHERIES BELONGING TO THE ANADROMOUS SPECIES SHALL BE RESERVED EXCLUSIVELY TO THE STATE OF ORIGIN OF SUCH FISH".

10. CANADIAN REP. ASSOCIATED HIS DELEGATION WITH IRELAND'S COMMENTS AND POINTED OUT THAT NUMBER OF COUNTRIES WERE INTERESTED IN ANADROMOUS FISH.

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11. POLISH REP. STATED THAT SUBCOMMITTEE SHOULD ESTABLISH SMALLER CONTACT GROUPS. THESE GROUPS SHOULD BE OPEN TO ALL STATES AND WORK UNDER CHAIRMAN'S GUIDANCE. JAPANESE REP., EXERCISING RIGHT OF REPLY, STATED THAT SALMON, AS AN ANADROMOUS FISH, WERE OF CONCERN ONLY TO LIMITED NUMBER OF COUNTRIES. DENMARK AGREED WITH JAPANESE THAT REGULATION OF ANADROMOUS SPECIES SHOULD BE LEFT TO INTERNATIONAL FISHERY BODIES CONCERNED WITH QUESTION. KENYAN REP. SUPPORTED PERUVIAN CRITICISM OF SOVIET DRAFT AND POINTED OUT THAT MAJORITY OF AFRICAN STATES WOULD GET FEW FISH UNDER SOVIET PROPOSAL BECAUSE FISHING CAPACITIES OF AFRICAN STATES WERE VERY LIMITED.

12. EQUADORIAN REP. SUPPORTED PERUVIAN POSITION ON SOVIET PROPOSAL AND STATED THAT COASTAL STATES HAD SOVEREIGNTY OR JURISDICTION OVER RESOURCES OUT TO 200 MILES. SIX-POWER PROPOSAL WAS RECOGNITION OF BROAD JURISDICTIONAL ZONE WHICH WAS ONLY REALISTIC OPTION AVAILABLE TO DEVELOPING COASTAL STATES.

13. SOVIET REP. POINTED OUT THAT NO ONE SHOULD DENY THAT SOVIETS HAD GONE VERY FAR IN TRYING TO ACCOMMODATE

DEVELOPING COASTAL STATES. THEY HAD TAKEN A BIG
STEP IN DENYING FREEDOM OF FISHING BY TABLING THEIR
PROPOSAL. WHILE SOVIETS WERE WILLING TO LOOK FURTHER
(STOWARD RESOLUTION OF ISSUES), SOLUTIONS SHOULD BE FOUND
WHICH ACCOMMODATE ALL COUNTRIES INCLUDING DISTANT
WATER FISHING STATES. MOVEMENT HAD TO BE IN BOTH
DIRECTIONS.

14. CHAIRMAN CONCLUDED MEETING BY OBSERVING
THAT REPETITION OF POSITIONS WAS USELESS
IN WORKING GROUP WHERE NO SUMMARY RECORDS WERE KEPT.
INSTEAD HE SUGGESTED THAT COUNTRIES GET TOGETHER TO
FORGULATE CONCRETE PROPOSALS. BASSIN UNQUOTE. ROGERS

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